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7 Attorney for Defendant
8 JUAN BANALES VENEGAS

9
10 **UNITED STATES DISTRICT COURT**
11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
12

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 JUAN BANALES VENEGAS,
17 Defendant.

CASE No.: CR 10-600-R

DEFENDANT JUAN BANALES'
REPORT REGARDING THE
MENTAL CONDITION OF JUAN
BANALES; DECLARATION OF
LUIS CARRILLO

Trial Date: November 16, 2010
Time: 9:00 a.m.

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20 **TO HON. MANUEL L. REAL, U.S. DISTRICT JUDGE**

21 The Defendant Juan Banales Venegas hereby submits a status report
22 regarding his mental condition.

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24
25 Dated: November 13, 2010

LUIS A. CARRILLO

26 _____/s/_____
27 Attorney for Defendant,
28 JUAN BANALES VENEGAS

DECLARATION OF LUIS A. CARRILLO

I, Luis A. Carrillo, declare:

1. I am an attorney at law duly licensed to practice before all of the courts of the State of California, the United States District Court, Central District of California, and the Ninth Circuit Court of Appeals. I am the attorney for Defendant Juan Banales Venegas herein.

2. I have personal knowledge of all of the facts stated in this declaration, except those based upon information and belief, and am competent to testify to all of the facts stated in this declaration, and if called upon to testify in any court, could and would so testify.

3. On October 29, 2010, I sent an e-mail to Mr. Edward Alon notifying the Government of the mental condition of Defendant Juan Banales Venegas. (See attached exhibit A). On the same date of October 29, 2010, Dr. Mares was retained to conduct a medical examination of Defendant Juan Banales regarding any mental issues.

4. On November 4, 2010, I also advised the Clerk of the court of such issues in a formal notice.

5. On November 5, 2010 the Government filed a Response to Defendant's Notice of Mental Condition.

6. I am informed and believe that Dr. Mares met with my client Juan Banales at MDC on 11/02/10; 11/04/10 and 11/05/10.

7. On November 10, 2010 at 8:07 a.m. I received an e-mail from Dr. Mares' assistant, Myriam Talbott, which included a report regarding tests administered by Dr. Mares, and the corresponding results from the neuropsychological evaluation. (See attached exhibit B). At about 1:30 pm on the same date of November 10, 2010, I sent said report by e-mail to Mr. Mark Aveis. (See attached exhibit C).

1 8. The report received from Dr. Mares lists the tests that were administered, the
2 test results and interpretation, and her conclusion as per my client's competency to
3 stand trial. (See exhibit D).

4 9. On November 11, 2010 about 5:24 p.m. I received an e-mail from Mr. Aveis
5 requesting the notes, raw data, correspondence, recordings, etc. of Dr. Mares.

6 Thereafter I e-mailed to Dr. Mares' assistant the e-mail that I had received from
7 Mr. Mark Aveis to inform Dr. Mares of the government's request. (See exhibit E).

8 10. During the morning and early afternoon of Friday November 12, 2010, Mr.
9 Marc Aveis and myself were exchanging various e-mails to "hone the issues for
10 trial". Especially with regard to the mental issues of my client.

11 11. On November 12, 2010 at 4:01 p.m., I received by e-mail the raw notes of
12 Dr. Mares from Myriam Talbott. I then forwarded those notes to Mr. Aveis about
13 4:54 p.m., on November 12, 2010. (See exhibit F).

14
15 I declare the above to be true and correct under penalty of perjury under the
16 laws of the United States. Executed on November 13, 2010 at South Pasadena,
17 California.

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19 _____/s/_____
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21 Luis A. Carrillo
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